

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1200

September Term, 2013

**EPA-77FR9304
EPA-78FR24073**

Filed On: January 31, 2014

Chesapeake Bay Foundation, Inc., et al.,

Petitioners

v.

Environmental Protection Agency and Gina
McCarthy, in her official capacity as
Administrator of the U.S. Environmental
Protection Agency,

Respondents

Calpine Corporation, et al.,
Intervenors

Consolidated with 13-1201, 13-1254

BEFORE: Tatel, Brown, and Pillard, Circuit Judges

ORDER

Upon consideration of the motion to sever certain issues and hold severed case in abeyance, the opposition thereto, and the reply; and the joint motion concerning the briefing format, it is

ORDERED that the motion to sever and hold in abeyance be granted. The Clerk is directed to sever Issue #4 in Utility Air Regulatory Group's nonbinding statement of issues in No. 13-1201, assign it new docket No. 14-1015, Utility Air Regulatory Group v. EPA, and hold No. 14-1015 in abeyance pending further order of the court. Respondent is directed to file status reports in No. 14-1015 within 30 days of the date of this order and every 60 days thereafter. It is

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FURTHER ORDERED that the following format and schedule apply in these consolidated cases:

Brief for Environmental Petitioners (not to exceed 10,000 words)	March 24, 2014
Brief for Utility Air Regulatory Group (not to exceed 10,000 words)	March 24, 2014
Brief for Respondents (not to exceed 20,000 words)	May 23, 2014
Brief for Intervenor-Respondents addressing issues raised by Environmental Petitioners (not to exceed 6,250 words)	June 23, 2014
Brief for Intervenor-Respondents addressing issues raised by Utility Air Regulatory Group (not to exceed 6,250 words)	June 23, 2014
Reply Brief for Environmental Petitioners (not to exceed 5,000 words)	July 23, 2014
Reply Brief for Utility Air Regulatory Group (not to exceed 5,000 words)	July 23, 2014
Deferred Appendix	August 6, 2014
Final Briefs	August 13, 2014

The parties will be notified by separate order of the oral argument date and composition of the merits panel. The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant's or petitioner's standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

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Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Scott H. Atchue

Deputy Clerk